

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-331-A

JONATHAN DELGADO,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B) for pretrial proceedings. Magistrate Judge Scott filed a Report and Recommendation, Dkt. No. 993, primarily recommending denial of motions of defendant Jonathan Delgado for various pretrial relief. The Report and Recommendation does recommend suppression of statements made by defendant Delgado to a Buffalo Police Detective on April 30, 2006, and recommends denial of suppression of statements made by defendant Delgado to a New York State Police Investigator on February 3, 2012. The United States filed objections to the recommendation to suppress defendant's statements made on April 30, 2006, Dkt. No. 1020, and defendant filed objections to the recommendation to deny suppression of his February 3, 2012 statements, Dkt. No. 1030.

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), after *de novo* review, and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, Dkt. No. 993, defendant Delgado's motion to suppress his April 30, 2006 statements is granted, and his motion to suppress his February 3, 2012 statements is denied. *Id.* at

pp. 51-64, 65-68, respectively. The Report and Recommendation, Dkt. No. 993, is therefore adopted as to defendant Delgado. The Court defers determination of the voluntariness of defendant's April 29 and April 30, 2006 statements preliminary to their potential use for impeachment purposes at this time, and the United States is directed to seek such a determination when it becomes aware it will seek to use these statements for impeachment purposes.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: July 29, 2014